

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Alain H. CURAUDEAU et al.

Serial No.: 10/588,571

Filing Date: (Int'l.) February 4, 2005

For: **PHOTODYNAMIC THERAPY FOR THE  
TREATMENT OF ACNE**

Confirmation No.: 8305

Examiner: Not Yet Assigned

Art Unit: Not Yet Assigned

**DECLARATION OF CHERIE DAVIS UNDER 37 CFR 1.47(A)**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Cherie Davis, declare and state that:

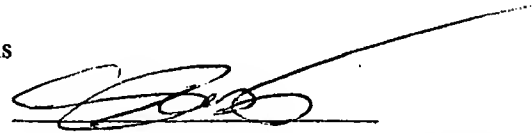
1. I was employed from January 1998 to September 2007 as an IP Paralegal at QLT Inc., the assignee and real-party-in-interest for the above-referenced patent application.
2. I have first-hand knowledge regarding the uncooperativeness/unavailability of the inventor Dr. Patrick M. Curry regarding execution of the declaration and assignment for the subject patent application (USSN 10/588,571).
3. At the time of the invention for the subject patent application, Dr. Curry was an employee of QLT, Inc. and one of its co-inventors.
4. As a condition of Dr. Curry's employment, all inventions created during his employment were to be assigned to QLT, Inc.
5. Dr. Curry is no longer an employee of QLT, Inc.
6. During my employment with QLT, I had the responsibility to collect Dr. Curry's signature for the declaration and assignment for the subject patent application.

7. On September 14, 2007, I sent a copy of the international phase of the subject application along with the declaration and assignment to Dr. Curry at his last known address (638 E 21<sup>st</sup> Avenue, Vancouver, BC V5V 1R7). A copy of the letter, declaration, assignment and confirmation of receipt is attached as Exhibit A.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Cherie Davis

Signature:



Date:

September 3, 2008

# **EXHIBIT A**



## Same Day Transportation - Online Ordering and Tracking

Status Delivered

**Name** QLT INC  
**Address** 887 GREAT NORTHERN WAY  
**Suite/Dept** SHIP  
**City, State** VANCOUVER, BC  
**Zip Code** V5T 4T5  
**Pick up from** 12-1CLS/NO DEL  
**Telephone** 604-707-7151 Ext  
**Instructions**

**Pieces** 1  
**Weight (Lb)** 1  
**Requested By** SHIPPING DEPT.

**Reference** 85030

## Notes

**Order time** September 14, 2007 11:29AM (PDT)  
**Ready time** September 14, 2007  
**Delivery Time** September 14, 2007 12:58PM (PDT)  
**Signed by** MARK

**Drivers** 4042

**Name** P. MARK CURRY  
**Address** 638 E 21 AVE  
**Suite/Dept**  
**City, State** VANCOUVER, BC  
**Zip Code** V5Y 1R7  
**Deliver to**  
**Telephone** Ext  
**Instructions** MAIL SLOT OK

**Service** 04-ON&GONE  
**Return** None  
**Vehicle**

**BOL**

Done

Start

RE: Sample PO: Alphapr...

dxNow.com - Delivery...



QLT Inc.

887 Great Northern Way  
Vancouver, BC Canada V5T 4T5

t 604.707.7000  
f 604.707.7001  
www.qltinc.com

BY COURIER

September 14, 2007

Dr. P. Mark Curry  
638 East 21<sup>st</sup> Avenue,  
Vancouver, BC V5V 1R7

US Patent Application 10/588571

Title: PHOTODYNAMIC THERAPY FOR THE TREATMENT OF ACNE  
QLT Inc. ref 30005-10008.00

---

Dear Dr. Curry:

The subject US patent application, on which you are named as a co-inventor, was submitted to the US Patent & Trademark Office on February 4, 2005. Enclosed for your review are the published PCT application, WO 2005/074987, and the Preliminary Amendment which comprise the US patent application. Please retain these documents in case Dr. Lana Janes wishes to discuss them with you during the prosecution phase of the application. Also enclosed are 2 forms; a Declaration and an Assignment for your review and execution.

Please sign the Declaration after you have reviewed the application and prior to or on the same day as you sign the Assignment. Please return the signed Declaration to me as soon as possible, preferably by October 15th. A self-addressed envelope is enclosed for your convenience.

Please sign the Assignment in the presence of a lawyer or Notary Public. If you provide us with the lawyer's or notary's receipt, QLT will reimburse you for the charge.

If you have any questions or concerns regarding the application, please contact:

Lana E. Janes, Ph.D.  
Chief Patent Counsel, Intellectual Property  
Ph: 604-707-7423 [direct]  
em: [ljanes@qltinc.com](mailto:ljanes@qltinc.com)

Yours truly,

QLT Inc.

Cherie Davis, IP Paralegal  
ph: 604-707-7402 [direct]  
em: [cdavis@qltinc.com](mailto:cdavis@qltinc.com)

encls (3)

100080011 PC - Decl, Assignment 14Sep2007.doc

**DECLARATION FOR PATENT APPLICATION**  
(Includes Reference to PCT International Applications)

ATTORNEY'S DCKET NUMBER  
249692011600

As a below named inventor I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**PHOTODYNAMIC THERAPY FOR THE TREATMENT OF ACNE**

the specification of which (check only one item below):

- ☐ is attached hereto.
- ☐ was filed as United States application  
Serial No. \_\_\_\_\_  
on \_\_\_\_\_  
and was amended on \* (if applicable).
- ☒ was filed as PCT international application  
Number PCT/CA2005/000141  
on 04 February 2005  
and was amended under PCT Article 19  
on (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37 Code of Federal Regulations § 1.56(a) and (b).

I hereby claim foreign priority benefits under Title 35 United States Code § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

**PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119:**

COUNTRY (if PCT indicate "PCT")	APPLICATION NUMBER	DATE OF FILING	PRIORITY CLAIMED UNDER 35 U.S.C. § 119
Canada	2457214	6 February 2004	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Canada	2470403	9 June 2004	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

<b>Declaration for Patent Application (Continued)</b> (Includes Reference to PCT International Application)				ATTORNEY'S DATA NUMBER 249692011600	
I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:					
<b>PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. § 120:</b>					
<b>U.S. APPLICATIONS</b>					
U.S. APPLICATION NUMBER		U.S. FILING DATE		STATUS (Check one)	
				PATENTED	PENDING
				ABANDONED	
<b>PCT APPLICATIONS DESIGNATING THE U.S.</b>					
PCT APPLICATION NUMBER		PCT FILING DATE		STATUS (Check one)	
				PATENTED	PENDING
				ABANDONED	
<b>POWER OF ATTORNEY:</b> As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)					
<b>Attorneys at Morrison &amp; Foerster associated with CUSTOMER NO. 25225</b>					
Send correspondence to: Kate H. Murashige Morrison & Foerster LLP 12531 High Bluff Drive, Suite 100 San Diego, CA 92130-2040				Direct telephone calls to: Kate H. Murashige at (858) 720-5112	
201	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE COUNTRY	STATE & ZIP CODE COUNTRY	
202	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE COUNTRY	STATE & ZIP CODE COUNTRY	
203	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE COUNTRY	STATE & ZIP CODE COUNTRY	
204	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE COUNTRY	STATE & ZIP CODE COUNTRY	
205	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE COUNTRY	STATE & ZIP CODE COUNTRY	
206	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE COUNTRY	STATE & ZIP CODE COUNTRY	

PATENT  
Serial No. 10'588,571  
Docket No. 249692001600

201	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
		HUNT	David	W.C.
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
		Surrey	Canada	Canada
	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE COUNTRY	
		12722 Brickett Road	Surrey	British Columbia V4A 2X1 Canada
202	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE COUNTRY	
203	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE COUNTRY	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201	SIGNATURE OF INVENTOR 202	SIGNATURE OF INVENTOR 203
Alain H. CURAUDEAU	Herman C. NEYENDORFF	Jing-Sung TAO
DATE	DATE	DATE
SIGNATURE OF INVENTOR 204	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
Morgan Chua LAM	Patrick Mark CURRY	Valery RUBINCHIK
DATE	DATE	DATE
SIGNATURE OF INVENTOR 207	SIGNATURE OF INVENTOR 208	SIGNATURE OF INVENTOR 209
David W.C. HUNT		
DATE	DATE	DATE

**ASSIGNMENT  
JOINT**

THIS ASSIGNMENT, by

**Alain H. CURAUDEAU**, residing at 1785 Fulton Avenue, West Vancouver, British Columbia, V7V 1S8 Canada;

**Herma C. NEYNDORFF**, residing at 1826 Grant Street, Vancouver, British Columbia, V5L 2Y8 Canada;

**Jing-Song TAO**, residing at 2450 West 18<sup>th</sup> Avenue, Vancouver, British Columbia, V6L 1B1 Canada;

**Morgan Chun LAM**, residing at 140 Teresita Boulevard, San Francisco, California 94127-1727, USA.

**Patrick Mark CURRY**, residing at 638 East 21<sup>st</sup> Avenue, Vancouver, British Columbia V5V 1R7 Canada;

**Valery RUBINCHIK**, residing at 10493 Yarmish Drive, Richmond, British Columbia V7E 5L5 Canada;

**David W.C. HUNT**, residing at 12722 Beckett Road, Surrey, British Columbia, V4A 2X1, Canada;

(hereinafter referred to as the assignors), witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in **PHOTODYNAMIC THERAPY FOR THE TREATMENT OF ACNE**, set forth in an application for Letters Patent of the United States, bearing Serial No. 10/588571 and filed on (Intl.) February 4, 2005; and

WHEREAS, **QLT Inc.**, a corporation duly organized under and pursuant to the laws of the Province of British Columbia and having its principal place of business at **887 Great Northern Way, Vancouver, British Columbia V5T 4T5 Canada** (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents does sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations, continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patents or any reissue or extension of any Letters Patents, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patents for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Alain H. Curaudeau

On this \_\_\_\_ day of \_\_\_\_\_, 2007, before me, Dori Assaly, Barrister & Solicitor and Notary Public, personally appeared Alain H. Curaudeau, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this assignment and statutorily declare before me upon oath that he executed the same in my presence for the uses and purposes therein expressed.

WITNESS my hand and official seal.

\_\_\_\_\_  
Dori Assaly  
Barrister & Solicitor  
QLT Inc,  
887 Great Northern Way  
Vancouver, British Columbia V5T 4T5  
Canada

My Commission Does Not Expire

\_\_\_\_\_  
Date Herma C. Neyndorff

Signing of this document by Herma C. Neyndorff witnessed by:

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Date Jing-Song Tao

On this \_\_\_\_ day of \_\_\_\_\_, 2007, before me, Dori Assaly, Barrister & Solicitor and Notary Public, personally appeared Jing-Song Tao, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this assignment and statutorily declare before me upon oath that he executed the same in my presence for the uses and purposes therein expressed.

WITNESS my hand and official seal.

\_\_\_\_\_  
Dori Assaly  
Barrister & Solicitor  
QLT Inc,  
887 Great Northern Way  
Vancouver, British Columbia V5T 4T5  
Canada

My Commission Does Not Expire

\_\_\_\_\_  
Date

\_\_\_\_\_  
Morgan Chun Lam

On this \_\_\_\_ day of \_\_\_\_\_, 2007, before me, \_\_\_\_\_,  
Barrister & Solicitor and Notary Public, personally appeared Morgan Chun Lam, personally known to me  
- OR - proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to  
this assignment and statutorily declare before me upon oath that she executed the same in my presence for  
the uses and purposes therein expressed.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date

\_\_\_\_\_  
Patrick Mark Curry

On this \_\_\_\_ day of \_\_\_\_\_, 2007, before me, \_\_\_\_\_,  
Barrister & Solicitor and Notary Public, personally appeared Patrick Mark Curry, personally known to  
me - OR - proved to me on the basis of satisfactory evidence to be the person whose name is subscribed  
to this assignment and statutorily declare before me upon oath that she executed the same in my presence  
for the uses and purposes therein expressed.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public in and for  
the Province of British Columbia

\_\_\_\_\_  
Date

\_\_\_\_\_  
Valery Rubinchik

On this \_\_\_\_ day of \_\_\_\_\_, 2007, before me, Dori Assaly, Barrister & Solicitor and Notary Public, personally appeared Valery Rubinchik, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this assignment and statutorily declare before me upon oath that he executed the same in my presence for the uses and purposes therein expressed.

WITNESS my hand and official seal.

\_\_\_\_\_  
Dori Assaly  
Barrister & Solicitor  
QLT Inc,  
887 Great Northern Way  
Vancouver, British Columbia V5T 4T5  
Canada

My Commission Does Not Expire

\_\_\_\_\_  
Date

\_\_\_\_\_  
David W. C. Hunt

On this \_\_\_\_ day of \_\_\_\_\_, 2007, before me, Dori Assaly, Barrister & Solicitor and Notary Public, personally appeared David W. C. Hunt, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this assignment and statutorily declare before me upon oath that he executed the same in my presence for the uses and purposes therein expressed.

WITNESS my hand and official seal.

\_\_\_\_\_  
Dori Assaly  
Barrister & Solicitor  
QLT Inc,  
887 Great Northern Way  
Vancouver, British Columbia V5T 4T5  
Canada

My Commission Does Not Expire